

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: MAY 28, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-34158 - APPLICANT: CRICKET COMMUNICATIONS, INC. - OWNER: CHETAK DEVELOPMENT CORPORATION**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION:**      **APPROVAL**, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for a Wireless Communication Facility, Non-Stealth Design (Not Qualifying for Conditional Use Approval).
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. The equipment cabinets shall be screened from view from the adjacent public right-of-way to comply with the minimum requirements of Title 19.08.050.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**SUP-34158 - Staff Report Page One**  
**May 28, 2009 - Planning Commission Meeting**

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit for a Wireless Communications Facility, Stealth Design. The antennas will be contained in the pole section of an existing sign, with the associated equipment located on the roof of the building, toward the rear, where it will not be readily visible from the public right-of-way. The star embellishment at the top of the existing sign will be replaced with a new embellishment of the same design, with neon lighting to meet the requirements of the Las Vegas Boulevard Scenic Byway Overlay District. Staff is recommending approval of this request as the proposed facility will have minimal impact on the adjacent properties and will be compatible with the surrounding land uses.

**BACKGROUND INFORMATION**

<i><b>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</b></i>	
01/09/08	The City Council approved a request for a Special Use Permit (SUP-25068) for a proposed Packaged Liquor Off-Sale Establishment at 2301 South Las Vegas Boulevard. The Planning Commission and staff recommended approval.
01/07/09	The City Council approved a request for an Extension of Time (EOT-31998) of an approved Special Use Permit (SUP-25068) for a proposed Packaged Liquor Off-Sale Establishment at 2301 South Las Vegas Boulevard.
02/25/09	The Planning and Development Department administratively denied a request for a Minor Site Development Plan Review (SDR-33476) for the installation of a Wireless Communication Facility, Stealth Design consisting of three (3) antennas to an existing sign on top of the roof of an existing building located at 2233 S. Las Vegas Boulevard.

<i><b>Related Building Permits/Business Licenses</b></i>	
c. 1952	Original construction year for existing building.

<i><b>Pre-Application Meeting</b></i>	
03/25/09	<p>A pre-application meeting was held to discuss the submittal requirements for a Special Use Permit, including:</p> <ul style="list-style-type: none"> <li>• The location of the subject site is within 500 feet of the boundary with Clark County. As a result, the application for a Special Use Permit is deemed to be a "Project of Regional Significance".</li> <li>• The facility will be a stealth design, with the proposed antennas to be located within the pole of an existing roof sign.</li> </ul>

**SUP-34158 - Staff Report Page Two**  
**May 28, 2009 - Planning Commission Meeting**

<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was neither required nor held for this application.	

<b><i>Field Check</i></b>	
04/21/09	A field check was conducted by staff. The existing sign is in poor condition; the north face is faded and the south face is blank.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	1.88 Acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Hotel and Retail Shops	C (Commercial)	C-2 (General Commercial)
North	Motel	C (Commercial)	C-2 (General Commercial)
South	Vacant Commercial Site and Parking Garage	C (Commercial)	C-2 (General Commercial)
East	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
West	Motel, Retail Shops and Convenience Store	C (Commercial)	C-2 (General Commercial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
Downtown Centennial Plan (Las Vegas Boulevard)	X		Y
Beverly Green / Southridge Neighborhood Plan	X		Y
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
Downtown Overlay District (Las Vegas Blvd., John S. Park Adjacent Area)	X		Y
G-O Gaming Enterprise Overlay District	X		Y
A-O Airport Overlay District (175 Feet)	X		Y
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>	X		Y

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**SUP-34158 - Staff Report Page Three**  
**May 28, 2009 - Planning Commission Meeting**

**DEVELOPMENT STANDARDS**

*Pursuant to Title 19.08, the following standards apply:*

<b>Standard</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	N/A	82,241 SF	Y
Min. Lot Width	100 Feet	280 Feet	Y
Min. Setbacks			
• Front	20 Feet	6 Feet	Y*
• Side	10 Feet	266 Feet	Y
• Corner	15 Feet	15 Feet	Y
• Rear	20 Feet	310 Feet	Y
Max. Building Height	N/A	61 Feet	Y
Mech. Equipment	Screened	Not Screened	N

*\*The existing building is a legal, non-conforming structure for the front yard setback.*

<b>Roof Signs:</b>		
<b>Standards</b>	<b>Allowed</b>	<b>Provided</b>
Maximum Number	1 Sign / Building Elevation	1 Sign
Maximum Area	20 % of the building elevation to which the sign is most nearly parallel to, up to a maximum of 150 SF	Approximately 198 SF (Existing)
Maximum Height	8 Feet	38 Feet (Existing)
Minimum Setback	N/A	7 Feet
Illumination	Yes, per the Las Vegas Boulevard Scenic Byway Standards	Neon (meets the Las Vegas Boulevard Scenic Byway Standards)

**ANALYSIS**

• **Use**

A Wireless Communication Facility, Stealth Design is a wireless communication facility that is designed to blend into the surrounding environment. Examples include without limitation: antenna tower alternative structures; roof-mounted antennas (with architectural screening when appropriate); building-mounted antennas painted to match the existing structure; antennas integrated into architectural elements (such as steeples or cupolas); antennas and antenna structures designed to look like light poles, flagpoles, or any other camouflaging

**SUP-34158 - Staff Report Page Four**  
**May 28, 2009 - Planning Commission Meeting**

techniques available on the market; and a cable microcell network which utilizes multiple low-powered transmitters/receivers or repeaters attached to existing wire line systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers. This proposal is for a wireless facility that will be concealed within the support pole of an existing roof sign. Approximately 14 feet of the top of the sign will be removed and replaced with a stealth radome, and the existing star motif at the top of the sign will be replaced with a similar star with neon lighting to comply with the sign requirements of the Las Vegas Scenic Byway Overlay District. When completed, the sign will not be noticeably changed from its current appearance.

A Minor Site Development Plan Review (SDR-33476) was denied by the Planning and Development Department on 02/25/09 pursuant to Minimum Conditional Use Regulation 1(b), resulting in the need for this Special Use Permit.

## **FINDINGS**

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed facility will be incorporated into an existing sign, with no visible changes to the sign and all supporting equipment located on the roof of the building, which will not be visible from the public right-of-way. Therefore, the proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The site is physically suitable for the type and intensity of land use proposed.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site has adequate access from Las Vegas Boulevard, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways, as the proposed use will have little traffic associated with it.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

**SUP-34158 - Staff Report Page Five**  
**May 28, 2009 - Planning Commission Meeting**

The proposed development is subject to permit review and inspection, and therefore, appropriate measures will be taken to protect the health, safety and general welfare.

**5. The use meets all of the applicable conditions per Title 19.04.**

The use meets all applicable conditions per Title 19.04.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 12

**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 10

**NOTICES MAILED** 645

**APPROVALS** 1

**PROTESTS** 0